

Questions and Answers: Final Analyses for Genetically Engineered Sugar Beets

Q. What is APHIS publishing regarding its regulation of sugar beets genetically engineered for tolerance to Roundup (RR sugar beets)?

A. APHIS has published two assessments in response to a petition for nonregulated status submitted to the Agency by developers of a variety of sugar beet genetically engineered for resistance to the herbicide glyphosate. This variety is commonly referred to as Roundup Ready (RR) sugar beets. In considering the request, APHIS has prepared two analyses, one under the Plant Protection Act and another under the National Environmental Protection Act (NEPA).

Q. What is APHIS' assessment prepared under the Plant Protection Act?

A. Under the Plant Protection Act, the law that gives USDA authority to protect plant health in the United States, as well as APHIS' regulations, the Agency is specifically required to evaluate if the RR sugar beet variety is a plant pest to agricultural crops or other plants or plant products. The Act defines a plant pest as living organisms, such as bacteria, fungi, or insects that can cause harm to agricultural crops or other plants or plant products.

Q. What does APHIS' final plant pest risk assessment for RR sugar beets conclude?

A. APHIS' final plant pest risk assessment finds that RR sugar beets are not likely to pose a plant pest risk to agricultural crops or other plant pests or plant products in the United States.

Q. What is APHIS' assessment prepared under NEPA?

A. While APHIS' plant pest risk assessment is specifically focused on the plant pest risk associated with RR sugar beets, the Agency's final Environmental Impact Statement (FEIS) comprehensively evaluates

the potential environmental impacts of three alternatives for the Agency's decision on GE sugar beets. The three alternatives evaluated in the FEIS are to maintain the regulated status of RR sugar beets; to determine that nonregulated status was appropriate for RR sugar beets; or to continue regulation of RR sugar beets with regulatory conditions in place.

Q. What does APHIS' FEIS for GE sugar beets evaluate?

A. In the FEIS, APHIS has evaluated a host of environmental concerns and issues that have been raised regarding RR sugar beets. These include gene flow between RR sugar beets and non-GE sugar beet, table beet, Swiss chard, and wild beet varieties. APHIS also analyzed the implications for herbicide use and tillage, and impacts on weed development and on non-target organisms, such as amphibians. The Agency also analyzed the potential environmental impacts of its decision on public health and worker safety.

Q. What does the FEIS for RR sugar beets do?

A. The FEIS is helpful in informing APHIS regarding any potential environmental impacts before the Agency makes its final regulatory determination under the Plant Protection Act. NEPA does not provide APHIS any authority to address such environmental impacts evaluated in the FEIS.

Q. Which alternative evaluated in the FEIS for RR sugar beets is APHIS selecting?

A. In the FEIS, APHIS has selected alternative 2, determination of nonregulated status for RR sugar beets, as the Agency's preferred alternative.

Q. Why is APHIS making this selection?

A. APHIS selected alternative 2, determination of nonregulated status for RR sugar beets, because it is consistent with the Agency's determination in the final PPRA that RR sugar beets do not pose a plant pest risk.

Q. Why did APHIS prepare a FEIS for RR sugar beets?

A. APHIS began work on its EIS for RR sugar beets in response to a U.S. District Court decision in 2009 which ordered APHIS to complete an EIS before making a determination on the petition for nonregulated status for RR sugar beets.

Q. What is the regulatory history of RR sugar beets?

A. In March 2005, APHIS made a determination that the RR sugar beet variety did not pose a plant pest risk and thus should no longer be a regulated article under agency regulations governing the introduction of GE organisms.

On January 23, 2008, the Center for Food Safety, the Sierra Club, and two organic seed groups filed a lawsuit challenging APHIS' determination of nonregulated status for RR sugar beets. On September 21, 2009, a U.S. District Court ruled that the EA that APHIS prepared in reference to its regulatory determination failed to consider certain environmental and economic impacts resulting from nonregulated RR sugar beets as required by NEPA. The court ruled that APHIS was required to prepare an EIS before issuing its final determination on whether RR sugar beets should have nonregulated status.

Q. Did APHIS publish a draft plant pest risk assessment and draft EIS for the petition for nonregulated status for RR sugar beets?

A. Yes, APHIS published a draft plant pest risk assessment and a draft EIS in October 2011 and made them available for public comment for 60 days. APHIS held three public meetings across the United States during the open comment period, and approximately 150 people attended. APHIS received approximately 25,000 comments, many of which were helpful to the agency.

Q. How is the final EIS different than the draft EIS?

A. The final EIS for RR sugar beets addresses issues, topics, and questions raised by the comments APHIS received during the public comment period for the draft EIS. The final EIS expands the discussion and analysis on potential environmental impacts including cumulative impacts, socioeconomic impacts, and glyphosate impacts on amphibians. It also incorporates grower comments received about their experiences with growing RR sugar beets. APHIS also updated the discussion of glyphosate resistant weeds and addressed a comment received at one of the public meetings concerning one seed developer's discovery of the GE trait in RR sugar beets in one vegetable beet seed field grown in 2007 and one field in 2008 but not in any of the developer's vegetable beet seed fields grown in 2010 and 2011. In order to address another received comment, the final EIS also contains a new analysis on herbicide use based

entirely on herbicide use data on conventional and RR sugar beets from the 2011 production year in Minnesota and Eastern North Dakota.

Q. Does the final EIS and final PPRA impact current APHIS oversight of RR sugar beets?

A. The final EIS and final PPRA do not affect the current mandatory conditions under which RR sugar beets are presently being grown. However, should APHIS approve the petition for nonregulated status for RR sugar beets, producers will be able to plant RR sugar beets in the United States without any of the current restrictions imposed by APHIS and therefore the current compliance agreements and permits will no longer be required by APHIS.

Q. When will APHIS make its final regulatory decision regarding RR sugar beets?

A. The final PPRA and EIS are not APHIS' final regulatory determination on the petition for the nonregulated status of RR sugar beets. These two documents will be available for public review for at least 30 days before APHIS makes its final regulatory determination on the petition for nonregulated status. APHIS will publish in the *Federal Register* its record of decision for the FEIS and its final regulatory determination after that 30 day period has concluded.

Q. Where can I find APHIS' assessments?

A. The final plant pest risk assessment and FEIS are available at <http://www.aphis.usda.gov/biotechnology/sugarbeet.shtml>.

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